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REPORT OF THE UNITED NATIONS COUNCIL FOR NAMIBIA

Addendum

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* The present addendum and its parent document will be issued in final form as Official Records of the General Assembly, Forty-fourth Session, Supplement No. 24 (A/44/24).

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DRAFT RESOLUTIONS RECOMMENDED BY THE UNITED NATIONS COUNCIL FOR NAMIBIA FOR ADOPTION BY THE GENERAL ASSEMBLY

CHAPTER I

DRAFT RESOLUTIONS

1. The United Nations Council for Namibia recommends to the General Assembly the adoption of the following draft resolutions and annexes on the question of Namibia.

A

DISSOLUTION OF THE UNITED NATIONS COUNCIL FOR NAMIBIA

The General Assembly,

Recalling its resolution 2248 (S-V) of 19 May 1967, whereby it decided to establish a United Nations Council for South Africa 1/ as the legal Administering Authority for the Territory until independence,

Recalling its resolution A/S-18/1 of 23 April 1990, by which it admitted the Republic of Namibia to membership in the United Nations,

Noting the Declaration of the United Nations Council for Namibia issued at the conclusion of its special plenary meetings, held at Windhoek from 9 to 11 April 1990, 2/ by which the Council decided to recommend to the General Assembly its own dissolution as a result of Namibia's attainment of freedom and independence,

Noting further the decision taken by the United Nations Council for Namibia at its special plenary meetings immediately to arrange, with the agreement of the Government of the Republic of Namibia, to co-ordinate the smooth transfer of the relevant programmes and activities of the United Nations Council for Namibia to the Government of Namibia,

Noting the decision of the United Nations Council for Namibia requesting the Office of the United Nations Commissioner for Namibia and the United Nations Institute for Namibia to organize a seminar in Namibia on Programme Planning for the National Reconstruction and Development of Namibia,

1. Commends the United Nations Council for Namibia, as the legal Administering Authority for the Territory until independence for the fulfilment of the important responsibilities entrusted to it by the General Assembly in its resolution 2248 (S-V) of 19 May 1967 and for its unrelenting efforts to ensure the attainment by the Namibian people of self-determination and national independence;

1/ By its resolution 2372 (XXII) of 12 June 1968, the General Assembly proclaimed that the Territory should thenceforth be known as "Namibia". By the same resolution, the Assembly also decided that the Council should be called "Council for Namibia".

2/ A/44/940-S/21270, annex.

2. Decides that the United Nations Council for Namibia, having fulfilled the important mandate entrusted to it by General Assembly resolution 2248 (S-V) relating to the Territory, is hereby dissolved;

3. Requests the Secretary-General to continue to provide the necessary resources in order to complete the implementation of the programme activities approved by the United Nations Council for Namibia for 1990, as set forth in annex I to the present resolutions;

4. Requests the Secretary-General immediately to arrange, in consultation with the Government of Namibia, to co-ordinate the transfer to the Government of Namibia of the programmes, activities and assets of the United Nations Council for Namibia, including archival collections consisting of, inter alia, major resolutions and decisions of the United Nations on the question of Namibia and other relevant documents and official correspondence, as well as, in particular, those relating to the implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia 3/ and to the accession to international conventions and representation of Namibia in specialized agencies of the United Nations and intergovernmental organizations;

5. Requests the Secretary-General, in recognition of the unique and direct responsibility that the United Nations had assumed over Namibia prior to independence, to ensure the continued role of the United Nations in the reconstruction and development of the newly independent State of Namibia by providing the necessary resources and staff within the Secretariat for the delivery of such programmes of assistance;

6. Requests the Secretary-General to provide assistance as may be requested by the Government of Namibia in the preparation of a comprehensive national census in order to determine accurate demographic and other relevant socio-economic statistics on Namibia;

7. Further requests the Secretary-General to consider as a matter of priority the redeployment within the United Nations Secretariat and other organizations of the United Nations system of the staff of the Office of the United Nations Commissioner for Namibia.

B

UNITED NATIONS FUND FOR NAMIBIA

The General Assembly,

Having examined the parts of the report of the United Nations Council for Namibia relating to the United Nations Fund for Namibia, 4/

3/ Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 24 (A/35/24), vol. I, annex II.

4/ A/44/24, part four, chaps. III and IV.

READEX FICHE

Recalling its resolution 2679 (XXV) of 9 December 1970, by which it established the United Nations Fund for Namibia,

Recalling also its resolution 3112 (XXVIII) of 12 December 1973, by which it appointed the United Nations Council for Namibia trustee of the United Nations Fund for Namibia,

Recalling its resolution 31/153 of 20 December 1976, by which it decided to launch the Nationhood Programme for Namibia, a comprehensive assistance programme within the United Nations system, covering both the period of the struggle for independence and the initial years of independence of Namibia,

Recalling further its resolution 34/92 A of 12 December 1979, by which it approved the Charter of the United Nations Institute for Namibia, and its resolution 37/233 E of 20 December 1982, by which it approved amendments to the Charter, 5/

Noting that the current programmes under the General Account, the United Nations Institute for Namibia Account and the Nationhood Programme Account of the United Nations Fund for Namibia should be completed,

1. Takes note of the relevant parts of the report of the United Nations Council for Namibia;

2. Takes note also of the Declaration of the United Nations Council for Namibia adopted at its special plenary meeting at Windhoek, on 11 April 1990, by which the Council recognized that some of its current programmes and activities remain incomplete;

3. Decides that the United Nations Fund for Namibia shall continue to operate in order to ensure the orderly completion of all programmes and activities currently financed from it, and as set forth in annex II to the present resolutions and that a report in this respect shall be made to the General Assembly at an appropriate time;

4. Decides that the United Nations Fund for Namibia shall operate under the custody of the Secretary-General;

5. Decides to establish the United Nations Trust Committee for the United Nations Fund for Namibia, the composition and guidelines of which shall follow the pattern of the United Nations Fund for Namibia, to serve as the trustee of the Fund until its dissolution;

6. Requests the Committee, with the agreement of the Government of Namibia, to take the necessary measures to ensure the completion of ongoing programmes and activities currently financed from the United Nations Fund for Namibia;

5/ For the text of the Charter of the United Nations Institute for Namibia, as amended, see Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 24 (A/37/24), annex IV.

7. Requests the Secretary-General, in co-operation with the Governments of Namibia and Zambia, to co-ordinate the relocation to Namibia and the eventual transfer to the Government of Namibia of the United Nations Institute for Namibia;

8. Expresses its deep appreciation to the Government of Zambia for accommodating the United Nations Institute for Namibia prior to Namibia's independence and extending services, courtesies and privileges to facilitate the Institute's operations in Zambia;

9. Approves, in this connection, the amended Charter of the United Nations Institute for Namibia as contained in annex III to the present resolutions;

10. Requests the Committee, with the agreement of the Government of Namibia, to provide broad guidelines and formulate principles and policies for the United Nations Institute for Namibia until its transfer to the Government of Namibia;

11. Requests the Secretary-General, in co-operation with the Governments concerned, to co-ordinate the transfer to Namibia of the United Nations Vocational Training Centre for Namibia in Angola and to determine the future status of the Namibia Secondary Technical School in the Congo, and expresses its deep appreciation to the Governments of Angola and the Congo for the courtesies and hospitality that they have extended to these institutions;

12. Expresses its appreciation to all States, specialized agencies and other organizations and institutions of the United Nations system, and to governmental and non-governmental organizations that have made contributions to the United Nations Fund for Namibia, as well as to all individuals who have done so;

13. Requests the Secretary-General to appeal to Governments, intergovernmental and non-governmental organizations and individuals for voluntary contributions to the United Nations Fund for Namibia;

14. Invites Governments to appeal once more to their national organizations and institutions for voluntary contributions to the United Nations Fund for Namibia;

15. Expresses its appreciation to the United Nations Development Programme for its contribution to the financing and administration of the Nationhood Programme for Namibia and the financing of the United Nations Institute for Namibia, and calls upon it to continue its contribution to the United Nations Fund for Namibia;

16. Decides that Namibians currently benefiting from assistance through the United Nations Educational and Training Programme for Southern Africa and through the United Nations Trust Fund for South Africa shall continue to be eligible for such assistance until they complete their programmes;

17. Requests the Secretary-General to credit as soon as possible to the United Nations Fund for Namibia the sum of $1.5 million already appropriated for 1990 under the regular budget;

18. Requests the Secretary-General to continue to provide the necessary resources for the performance of the activities financed from the United Nations Fund for Namibia.

Annex I

PROGRAMME ACTIVITIES APPROVED BY THE UNITED NATIONS COUNCIL FOR NAMIBIA FOR 1990 TO BE CARRIED OUT FOLLOWING THE DISSOLUTION OF THE UNITED NATIONS COUNCIL FOR NAMIBIA

The United Nations Council for Namibia approved the programme activities enumerated below for 1990:

1. Preparation of reports on the political, military and social situation in Namibia, and on the activities of foreign economic interests in the Territory, for the period from 1 April 1989 until independence;

2. Preparation of a report on contacts between Member States and South Africa to cover the period from 1 April 1989 until independence;

3. Preparation of a report on the activities of the Council for the period from 1 September 1989 until independence;

4. Organization of a Seminar on Programme Planning for the National Reconstruction and Development of Namibia and preparation of its final report;

5. Preparation of draft chapters on Namibia for inclusion in the Yearbook of the United Nations for the years 1986 to 1990;

6. Preparation of a draft study of Article 81 of the Charter of the United Nations for inclusion in supplement No. 7 of the Repertory of Practice of Organs of the United Nations;

7. Compilation of archival materials relating to United Nations action on Namibia and deemed to be of use or interest to Namibia, including major resolutions and decisions of the United Nations on the question of Namibia and other relevant documents and official correspondence;

8. Drafting of a historical account of the responsibilities and programmes undertaken by the United Nations Council for Namibia since its inception.

Annex II

PROGRAMMES AND ACTIVITIES FINANCED FROM THE UNITED NATIONS FUND FOR NAMIBIA

A. Nationhood Programme Account

1. The Nationhood Programme Account of the Fund finances 16 training and education projects for Namibians in various fields of study. Two of these projects provide funding for the United Nations Vocational Training Centre for Namibia in Angola, which is to be relocated to Namibia in late 1990 or early 1991.

B. General Account

2. The individual scholarship programme of the General Account provides sponsorship for 185 Namibian students, the majority of whom are studying at university level in the United States of America.

3. The General Account also supports six training projects similar to those of the Nationhood Programme and one project that makes a major contribution to the operating expenses of the Namibia Secondary Technical School at Loudima, Congo.

4. The General Account provides social and medical assistance for expatriate Namibians in need, generally students, and covers the return travel expenses of scholarship holders who have completed their degrees.

C. Institute for Namibia Account

5. The Institute for Namibia Account of the Fund provides most of the funding for the budget of the United Nations Institute for Namibia at Lusaka. The Institute is to be relocated to Namibia at the end of 1990.

Annex III

AMENDED CHARTER OF THE UNITED NATIONS INSTITUTE FOR NAMIBIA

1. At its 314th meeting, on 5 December 1979, the United Nations Council for Namibia approved the Charter of the United Nations Institute for Namibia. The Charter was subsequently published in the report of the Council to the General Assembly at its thirty-fourth session. a/

2. At its 391st meeting, on 10 November 1982, the Council decided to amend article 6 of the Charter. The amended Charter was published in the report of the Council to the General Assembly at its thirty-seventh session. b/

3. At its 543rd meeting, on 19 June 1990, the Council again decided to amend the Charter, which now reads as follows:

Charter of the United Nations Institute for Namibia

Article 1

Name

The name of the Institute shall be the United Nations Institute for Namibia, hereinafter referred to as "the Institute".

Article 2

Purpose of the Institute

The purpose of the Institute shall be:

(a) To assist the Government of Namibia in training Namibians to develop and acquire the necessary skills for manning the public service;

(b) At the request of the Government of Namibia, to undertake research into the various political and socio-economic aspects of Namibia which shall assist in the formulation of policies and programmes of Namibia;

(c) To offer to the Government of Namibia technical advice and assistance in the areas of competence of the Institute as may be essential to the establishment of an efficient public service for Namibia.

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a/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 24 (A/34/24), vol. IV, annex XXXII.

b/ For the text of the Charter of the United Nations Institute for Namibia, as amended, see Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 24 (A/37/24), annex IV.

Article 3

Location

The Institute shall be located in Namibia.

Article 4

Functions of the Institute

The work of the Institute shall fall into the following categories:

(a) With the concurrence of the Government of Namibia, to provide Namibians with the necessary education and manpower development so as to strengthen all their efforts and to equip them for the planning of, and participation in, the organization and administration of various government departments and public services in Namibia; the Institute shall therefore offer training courses in the following areas:

(i) Development studies and management (a two-year diploma course);

(ii) Secretarial skills;

(iii) Public administration and international relations, law, agriculture, management and teacher training (professional diploma courses):

(b) To undertake and carry out research into such aspects of life in Namibia as the Senate may approve in consultation with the Government of Namibia.

Article 5

Responsibilities of the Trustee of the United Nations Fund for Namibia

The Trustee, which shall be called the United Nations Trust Committee for the Fund for Namibia, shall perform the following functions in relation to the Institute:

(a) Establish broad guidelines and formulate principles and policies for the Institute;

(b) Consider and approve the annual budget estimates of the Institute;

(c) Receive and consider the annual report and audited accounts of the Institute;

(d) Mobilize adequate resources for the financing of the Institute.

Article 6

Organization of the Institute

The Senate

1. As a result of the above and in view of the decision by the Senate on the transition of the Institute, the composition of the Senate of the Institute shall be as follows:

(a) Three representatives of the United Nations Trust Committee for the Fund for Namibia;

(b) Four representatives of the Government of Namibia;

(c) One representative of the University of Zambia, until 31 December 1990;

(d) One representative of the Government of Zambia, until 31 December 1990;

(e) One representative of the United Nations Development Programme;

(f) One representative appointed by the Secretary-General of the Organization of African Unity, until 31 December 1990;

(g) Three representatives appointed by the Secretary-General of the United Nations;

(h) The Under-Secretary-General responsible for the administration of the United Nations Fund for Namibia or his representative;

(i) One representative of the Economic Commission for Africa;

(j) One representative of the Eastern and Southern African Management Institute.

2. The Chairman of the Senate shall be elected by its members. He shall have a casting vote. The quorum of the Senate shall be seven members.

3. The Director of the Institute to be appointed by the Senate shall be the Secretary to the Senate.

Functions of the Senate

4. The responsibilities of the Senate shall be as follows:

(a) To formulate the principles and policies which will govern the activities of the Institute;

(b) To organize the Institute into such departments as may be required to enable it to carry out its functions;

(c) To review and approve the programme of work of the Institute, including the curriculum;

(d) To consider and approve the annual budget estimates of the Institute after review and comments thereon by the United Nations Trust Committee for the Fund for Namibia;

(e) To receive and consider the audited accounts of the Institute;

(f) To receive and consider the annual report of the Institute after review and comments thereon by the United Nations Trust Committee for the Fund for Namibia, and to submit it to the Secretary-General of the United Nations;

(g) To appoint the Director, Deputy Director, Registrar and Heads of Department;

(h) To ratify the appointments of the professional staff made by the Director;

(i) To award diplomas and certificates of the Institute;

(j) To mobilize adequate resources for the financing of the Institute.

Functions of the Director

5. The Director shall be the Chief Executive Officer of the Institute and shall be responsible to the Senate of the Institute for the following:

(a) Proper administration of the Institute in accordance with the general principles and policies determined by the Senate;

(b) Submission for consideration and approval by the Senate of the work programme and corresponding budgets of the Institute;

(c) Execution of the approved work programme of the Institute and the management of its finances;

(d) Preparation and submission to the Senate for approval of the annual budget estimates and subsequent revisions and adjustments;

(e) Submission for consideration by the Senate of the annual reports on the activities and progress of the Institute, including a budgetary and financial report on the preceding year;

(f) Appointment of the professional staff on the recommendation of the Committee of Management;

(g) Appointment of locally recruited staff;

(h) Discipline, conduct and welfare of students and staff;

(i) Supervision of training, research and planning.

6. The Director shall be assisted by the Deputy Director, Registrar and Heads of Department.

7. There shall be a Committee of Management composed of the Director as Chairman, Deputy Director, Registrar, Heads of Department and such other members of staff and

students that the Director may decide upon when matters within their fields of competence are being discussed. It shall be the task of the Committee to assist the Director in carrying out his responsibilities and duties.

Article 7

Admission to the Institute

The admission requirements shall be determined by the Senate.

Article 8

Financing of the Institute

1. Funds for the Institute shall be provided from the United Nations Fund for Namibia, but the accounts of the Institute shall be maintained separately so that while the Fund shall be the vehicle for financing the Institute, separate, identifiable accounts for the Institute shall be embodied in the accounts of the Fund. The Institute shall apply United Nations administrative and financial rules and regulations and such other additional rules as the Senate may from time to time promulgate.

2. The General Assembly shall take appropriate action in such a manner as to promote financing of the Institute.

3. The source of funds for the Institute for Namibia Account shall be:

(a) The United Nations and specialized agencies;

(b) Governments;

(c) Governmental and intergovernmental organizations;

(d) Foundations;

(e) Non-governmental organizations;

(f) Individuals.

Article 9

Staff regulations

The staff of the Institute shall be appointed under regulations drawn up by the Senate.

Article 10

Final clause

The present Charter supersedes the Charter, as amended, approved by the General Assembly in its resolution 37/233 E of 20 December 1982, b/ and shall remain in force until it is replaced by a new Charter drawn up in agreement between the United Nations and the Government of Namibia.

CHAPTER II

DESCRIPTION OF ACTIVITIES FOR 1990 WHICH WILL REQUIRE THE PREPARATION OF A STATEMENT OF PROGRAMME BUDGET IMPLICATIONS

A. General

2. In the light of the foregoing draft resolutions and subject to further directives that might be given by the General Assembly at its forty-fourth session, the United Nations Council for Namibia, established pursuant to General Assembly resolution 2248 (S-V), will be dissolved. However, some of the programmes and activities approved by the United Nations Council for Namibia remain incomplete.

3. The Council notes that, in accordance with rule 153 of the rules of procedure of the General Assembly, its draft resolutions contained in chapter I will require preparation by the Secretary-General of a statement of programme budget implications. In order to assist with the preparation of this statement, the Council has decided, as in the past, to provide further information regarding its draft resolutions.

B. United Nations Council for Namibia Seminar to be held in Namibia

4. By paragraph 3 of draft resolution A, the General Assembly would request the Secretary-General to continue to provide the necessary resources in order to complete the implementation of the programme activities approved by the United Nations Council for Namibia for 1990, as set forth in annex I to draft resolutions A and B.

5. Implementation of paragraph 3 of draft resolution A would require, inter alia, the preparation of reports on Namibia and the holding of a seminar in Namibia on Programme Planning for the National Reconstruction and Development of Namibia. The Council would request the Secretary-General to continue to provide the necessary staff resources to carry out these activities and to ensure the availability of resources for the holding of a five-day seminar in Namibia. The seminar would review the conclusions of the Namibia Donors' Pledging Conference held at United Nations Headquarters on 21 and 22 June 1990, as well as examine the conclusions and recommendations of the three seminars held by the Council in 1989, 1/ and draw up programmes and project proposals for assistance to Namibia. Participants in the seminar would include representatives of the United Nations specialized agencies and other relevant organizations, senior officials of the Government of Namibia and experts from Namibia and other countries. All pre-session and in-session documentation would be in the English language and no interpretation into other languages would be required.

1/ See A/AC.131/VIE/1/Rev.1 and A/AC.131/310; A/AC.131/318; and A/AC.131/319.

C. Transfer of archival collections to the Government of Namibia

6. By paragraph 4 of draft resolution A, the General Assembly would request the Secretary-General to arrange immediately for the transfer to the Government of Namibia of archival collections consisting of, inter alia, major resolutions and decisions of the United Nations on the question of Namibia and other relevant documents and official correspondence, as well as, in particular, those relating to the implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia and to the accession to international conventions and representation of Namibia in specialized agencies of the United Nations and intergovernmental organizations. The administrative and budgetary implications of this would entail the compilation of the documentation and its shipment to Namibia for delivery to the Government of Namibia.

D. United Nations Fund for Namibia

7. In accordance with paragraph 3 of draft resolution B, the General Assembly would decide that the United Nations Fund for Namibia should continue to operate in order to ensure the orderly completion of all programmes and activities currently financed from it, and as set forth in annex II to the resolutions. By paragraph 17, the General Assembly would request the Secretary-General to credit as soon as possible to the United Nations Fund for Namibia the sum of $1.5 million already appropriated for 1990 under the regular budget.

8. In accordance with paragraph 18 of draft resolution B, the General Assembly would request the Secretary-General to continue to provide the necessary resources for the performance of the activities financed from the United Nations Fund for Namibia. Implementation of the activities would require the Secretary-General to ensure that staff resources continue to be available for the delivery of programmes financed from the United Nations Fund for Namibia.